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On May 27, 2003

TOWNSEND and TOWNSEND and CREW LLP

By: Kathryn A. Hughes

Attorney Docket No.: 20553C-003310US
Client's Ref. No.: ECV-5628

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PATENT 6.6.3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Crystal M. Cunanan, et al.

Application No.: 09/930,619

Filed: August 15, 2001

For: TREATMENT OF TISSUE TO,
INSTRUMENTS AND WORK
SURFACES TO REMOVE INFECTIOUS
AGENTS

Examiner: Winkler, Ulrike

Art Unit: 1648

RESPONSE TO RESTRICTION
REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement mailed January 27, 2003, Applicants elect, with traverse, the claims of Group I (Claims 1-20, 23, 24, 25 and 28) for prosecution on the merits drawn to a method of eliminating or reducing infection in a biological material by removing a binding site contained in the material. Applicants petition to extend the period for response in the above-identified patent application for three months, from February 27, 2003 to May 27, 2003. A Fee Transmittal authorizing the Commissioner to charge the petition fee to our deposit account is attached.

Applicants request reconsideration of Groups I and II as independent inventions and Groups VI and VII as independent inventions.

The invention claimed by Applicants in Groups I and II arises out of a common inventive concept or idea. The common, novel concept of this invention is that binding of an infectious agent or unwanted protein can be prevented by removing a binding site contained in the material. Each of the claims of Groups I and II arises out of this common, novel idea.

The invention claimed by Applicants in Groups VI and VII also arises out of a common inventive concept or idea. The common, novel concept of this invention is that infection of a bioprosthetic tissue can be eliminated or reduced by blocking the interaction between a binding site contained in the tissue and an infectious agent. Each of the claims of Groups VI and VII arises out of this common, novel idea.

In addition, Applicants respectfully remind the Examiner that in order to properly restrict the claims, there must be serious burden on the Examiner if the claims are not restricted (see MPEP §803). Because the claims of Groups I and II are closely related by a common inventive concept, the burden on the Examiner to search the claims Groups I and II covering the common inventive concept is minimal. In addition, because the claim of Groups VI and VII are closely related by a common inventive concept, the burden on the Examiner to search claims Groups VI and VII covering the respective common inventive concept is minimal.